

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

BARBARA FORMAN, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

MERIDIAN BIOSCIENCE, INC., JOHN A.
KRAEUTLER, and MELISSA A. LUEKE

Defendants.

Case No. 1:17-cv-00774-SJD

CLASS ACTION

Judge: Hon. Susan J. Dlott

**LEAD PLAINTIFF'S RENEWED MOTION AND INCORPORATED
MEMORANDUM OF LAW FOR AN ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT AND
DIRECTING DISSEMINATION OF NOTICE TO THE CLASS**

PLEASE TAKE NOTICE that Court-appointed Lead Plaintiff Barbara Forman (“Plaintiff”), on behalf of herself and all other members of the proposed settlement class, through Court-approved Lead Counsel Levi & Korsinsky, LLP, hereby renews her motion for an order, pursuant to Federal Rules of Civil Procedure 23(a), (b)(3), and (e): (a) preliminarily certifying the Settlement Class for settlement purposes only; (b) preliminarily approving the Plan of Allocation as fair, reasonable and adequate; (c) approving the form and method of giving notice to the Settlement Class, as provided in the Stipulation; and (d) scheduling a Final Approval Hearing to determine whether the proposed Settlement, the Plan of Allocation, and Plaintiff’s Counsel’s request for attorneys’ fees and reimbursement of expenses should be finally approved as fair, reasonable and adequate. Defendants do not oppose the relief requested in this motion.¹

This motion is based on: (i) the incorporated memorandum of law herein; (ii) the Declaration of Shannon L. Hopkins in Support of Plaintiff’s Renewed Motion with annexed exhibits (the “Renewed Hopkins Declaration”), filed concomitantly herewith; and (iii) Lead Plaintiff’s previously-filed Motion for an Order Granting Preliminary Approval of Class Action Settlement and Directing Dissemination of Notice to the Class (ECF No. 52), the accompanying memorandum of law in support of that motion (ECF No. 53), and the related Declaration of Shannon L. Hopkins, dated September 5, 2019, with annexed exhibits (ECF No. 54) (collectively, the “Initial Preliminary Approval Motion”), each of which is incorporated herein by reference.

On September 5, 2019, Plaintiff filed her Initial Preliminary Approval Motion. On October 2, 2019, the Court held a status conference with the Settling Parties during which the Court identified certain changes to the exhibits accompanying the Stipulation of Settlement executed by

¹ As this is Lead Plaintiff’s Motion, the statements, arguments, and characterizations contained herein are those of Lead Plaintiff only. Defendants do not oppose preliminary approval of the Settlement or preliminary certification of the Class for settlement purposes only.

the Settling Parties on September 5, 2019, as well as making additional recommendations to facilitate the notice and administration of the proposed Settlement. At this status conference, the Court also scheduled a fairness hearing for March 16, 2020 at 2:00 p.m.

On October 2, 2019, the Court issued an order denying the Initial Preliminary Approval Motion, subject to refile (ECF No. 55).

Following the status conference, counsel for the Settling Parties conferred regarding the Court's suggested changes to the settlement documents. The Settling Parties subsequently incorporated each of the Court's changes to the settlement documents, with new versions of each submitted herewith as exhibits to the Amended Stipulation of Settlement, executed by the Settling Parties on October 7, 2019.²

As set forth in her Initial Preliminary Approval Motion, Plaintiff submits that the proposed Settlement, which was reached only after arm's-length settlement negotiations and based on a thorough understanding of the facts and law, satisfies Fed. R. Civ. P. 23(e) and each factor typically considered by courts in this circuit, and otherwise warrants preliminary approval. Further, the proposed plan of allocation, as set forth in Section 9 of the Notice of Proposed Class Action Settlement, Exhibit A-2 to the Stipulation, should be preliminarily approved as fair, reasonable, and adequate. The proposed plan of allocation was developed by Plaintiff's counsel with the assistance of Scott D. Hakala, Ph.D, CFA, using methodologies typically applied in securities class actions and supported by academic theory and practice.³ Additionally, for the reasons set forth in

² The Amended Stipulation of Settlement (the "Stipulation") is submitted herewith as Exhibit 1 to the Renewed Hopkins Declaration.

³ A detailed description of the methodology employed by Mr. Hakala for developing the proposed plan of allocation, as well as his credentials, can be found in the Affidavit of Scott D. Hakala, Ph.D, CFA in support of Lead Plaintiff's Proposed Plan of Allocation, submitted as Exhibit 2 to the Renewed Hopkins Declaration.

her prior filings incorporated herein, Plaintiff submits that the submitted notice and claims program, as contemplated by the Stipulation, constitutes the best notice practicable under the circumstances and satisfies due process and Rule 23(e)(2)(c)(ii).

Finally, as the Court has already scheduled a fairness hearing for March 16, 2020 at 2:00 p.m., Plaintiff respectfully requests that the Court additionally schedule the following dates, as set forth in the [Proposed] Preliminary Approval Order:

Event	Deadline for Compliance
Last day to complete mailing of Notice and Proof of Claim Form and to post relevant documentation to settlement website	No later than twenty-eight (28) calendar days after entry of Preliminary Approval Order.
Last day to publish Summary Notice	No later than seven (7) calendar days after the Notice Date.
Last day to file one or more affidavits or declarations showing timely compliance with the Court's mandated mailing and publication requirements	No later than thirty-five (35) calendar days after the publication of Summary Notice.
Last day for filing and serving papers in support of final approval of the proposed Settlement, and the applications for Fee and Expense Awards.	No later than February 10, 2020, thirty-five (35) calendar days prior to the Final Fairness Hearing.
Last day for Settlement Class Members to submit comments in support of or in opposition to the proposed Settlement, and the applications for Fee and Expense Awards.	Postmarked or filed no later than February 17, 2020, twenty-eight (28) calendar days prior to the Final Fairness Hearing.
Last day for potential Settlement Class Members to request exclusion from the Settlement Class.	Postmarked no later than February 17, 2020, twenty-eight (28) calendar days prior to the Final Fairness Hearing.
Last day for filing and serving papers in response to objections to the proposed Settlement, and the applications for Fee and Expense Awards.	No later than March 9, 2020, seven (7) calendar days prior to the Final Fairness Hearing.
Final Approval Hearing	March 16, 2020 at 2:00 p.m.

A [PROPOSED] Order Granting Preliminary Approval of Settlement and Directing Dissemination of Notice to Settlement Class is also submitted herewith.

Dated: October 8, 2019

Respectfully submitted,

/s/Shannon L. Hopkins

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Counsel for Plaintiff Barbara Forman

CERTIFICATE OF SERVICE

I certify that on October 8, 2019, I filed PLAINTIFF'S RENEWED MOTION AND INCORPORATED MEMORANDUM OF LAW FOR AN ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND DIRECTING DISSEMINATION OF NOTICE TO THE CLASS with the Clerk of Court using the CM/ECF system, which will send notice to all counsel of record.

/s/Shannon L. Hopkins

Shannon L. Hopkins